

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-449

**TRACI RENEE BENNETT**  
2724 Knightsbridge Rd.  
Henderson, NV 89074

**DEFAULT DECISION AND ORDER**

**Registered Nurse License No. 342165**

[Gov. Code, §11520]

Respondent.

**FINDINGS OF FACT**

1. On or about November 12, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-449 against Traci Renee Bennett (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about April 30, 1982, the Board of Registered Nursing (Board) issued Registered Nurse License No. 342165 (License) to Respondent. The License expired on December 31, 2009, and has not been renewed. The expiration of the License does not deprive the Board of its authority to institute or continue this disciplinary proceeding pursuant to Business and Professions Code section 118, subd. (b).

3. On or about November 12, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-449 (Accusation), Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and

1 Professions Code section 136 and/or agency specific statute or regulation, is required to be  
2 reported and maintained with the Board, which was and is: 2724 Knightsbridge Rd., Henderson,  
3 NV 89074.

4 4. Service of the Accusation was effective as a matter of law under the provisions of  
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
6 124.

7 5. Government Code section 11506 states, in pertinent part:

8 . . . .

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
10 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
11 of the accusation not expressly admitted. Failure to file a notice of defense shall  
12 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
13 may nevertheless grant a hearing.

14 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
15 the Accusation, and therefore waived her right to a hearing on the merits of the Accusation.

16 7. Government Code section 11520 states, in pertinent part:

17 (a) If the respondent either fails to file a notice of defense or to appear at the  
18 hearing, the agency may take action based upon the respondent's express admissions  
19 or upon other evidence and affidavits may be used as evidence without any notice to  
20 respondent.

21 8. Pursuant to its authority under Government Code section 11520, the Board finds  
22 Respondent is in default. The Board will take action without further hearing and, based on the  
23 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
24 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
25 file at the Board's offices regarding the allegations contained in Accusation No. 2011-449, finds  
26 that the charges and allegations in Accusation No. 2011-449, are separately and severally, found  
27 to be true and correct by clear and convincing evidence.

28 9. Taking official notice of its own internal records, pursuant to Business and  
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
and Enforcement is \$382.50 as of February 2, 2011.

///

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Traci Renee Bennett has  
3 subjected her Registered Nurse License No. 342165 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
6 Nurse License based upon the following violations alleged in the Accusation which are supported  
7 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.:

8 a. Respondent violated Business and Professions Code section 2761(a)(4) by on or  
9 about January 15, 2010, agreeing to a Voluntary Surrender of License/Certificate in Lieu of  
10 Other Disciplinary Action with the Nevada State Board of Nursing in a proceeding titled *In*  
11 *the Matter of Traci Bennett, Licensed Professional Nurse, Nevada License No. RN31277,*  
12 *Case No. 1030-09CV.*

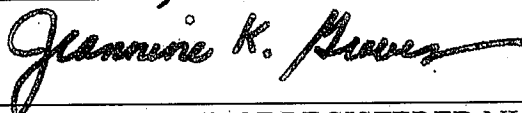
13 ORDER

14 IT IS SO ORDERED that Registered Nurse License No. 342165, heretofore issued to  
15 Respondent Traci Renee Bennett, is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
17 written motion requesting that the Decision be vacated and stating the grounds relied on within  
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on April 28, 2011.

21 It is so ORDERED March 28, 2011.

22 

23 FOR THE BOARD OF REGISTERED NURSING  
24 DEPARTMENT OF CONSUMER AFFAIRS

25 10662161.DOC  
26 DOJ Matter ID:SA2010101208

27 Attachment:  
28 Exhibit A: Accusation

# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5341  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-449

13 **TRACI RENEE BENNETT**

**ACCUSATION**

14 2724 Knightsbridge Rd.  
Henderson, NV 89074

15 **Registered Nurse License No. 342165**

16 Respondent.

17  
18 Louise R. Bailey, M.Ed., RN (Complainant) alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Interim  
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
22 Affairs.

23 2. On or about April 30, 1982, the Board issued Registered Nurse License Number  
24 342165 to Traci Renee Bennett ("Respondent"). The license was in full force and effect at all  
25 times relevant to the charges brought herein. The license expired on December 31, 2009, and has  
26 not been renewed.

27 ///

28 ///

1

2

6

## 10

11

12

14

15

## 20

21

## 25

## 26

27

1 Action was filed before the Nevada State Board of Nursing in a proceeding titled *In the Matter of*  
2 *Traci Bennett, Licensed Professional Nurse, Nevada License No. RN31277, Case No.*  
3 *1030-09CV*. The voluntary surrender is based on the following: 1) Respondent failed to notify  
4 the Nevada State Board of Nursing that her California Registered Nurse License Number 342165  
5 had been disciplined when she applied for licensure in 1998, or on any subsequent renewal  
6 applications; 2) On or about October 30, 2008, while employed at a Reno, Nevada hospital,  
7 Respondent failed to document controlled substances that she removed from the medication  
8 dispensing system on numerous occasions; and 3) On or about September 30, 2009, Respondent  
9 tested positive for hydromorphone. The Voluntary Surrender of License/Certificate in Lieu of  
10 Other Disciplinary Action is attached hereto as **Exhibit A**, and is incorporated herein by  
11 reference.

12 **PRIOR DISCIPLINE**

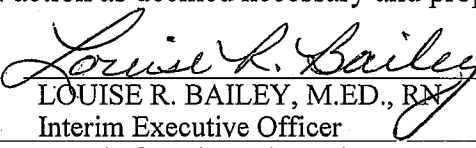
13 8. In a disciplinary action entitled "*In the Matter of Accusation Against Traci Renee*  
14 *Bennett*," Case No. 93-115, the Board issued a Decision, effective January 24, 1994, in which  
15 Respondent's Registered Nurse License Number 342165 was reprimanded.

16 **PRAYER**

17 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board of Registered Nursing issue a decision:

- 19 1. Revoking or suspending Registered Nurse License Number 342165, issued to Traci  
20 Renee Bennett;
- 21 2. Ordering Traci Renee Bennett to pay the Board of Registered Nursing the reasonable  
22 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 11/12/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

26  
27  
28 SA2010101208;10609890.doc

**EXHIBIT A**



# ORIGINAL

## BEFORE THE NEVADA STATE BOARD OF NURSING

IN THE MATTER OF  
TRACI BENNETT  
LICENSED PROFESSIONAL NURSE  
NEVADA LICENSE NO. RN31277  
RESPONDENT

VOLUNTARY SURRENDER OF  
LICENSE/CERTIFICATE IN LIEU OF  
OTHER DISCIPLINARY ACTION

CASE NO. 1030-09CV

I, TRACI BENNETT, wish to voluntarily surrender my Nevada Nursing License. I voluntarily and knowingly admit the following facts:

1. I am licensed as a Licensed Professional Nurse in the State of Nevada and I was licensed at the time of the conduct described herein and am, therefore, subject to the jurisdiction of the Board.
2. Respondent acknowledges the following:
  - a. Respondent admits that her nursing license in California was reprimanded in 1994 for an incident involving the use of Vicodin without a current prescription prior to reporting to work and failed to inform the Nevada State Board of Nursing that her license had been disciplined in another state when she applied for licensure in 1998, or on any subsequent renewal applications.
  - b. Respondent admits that on or about October 30, 2008, while she was employed as a Registered Nurse, traveling nurse, at a hospital in Reno, Nevada, she failed to document controlled substances that she removed from the medication dispensing system on numerous occasions.
  - c. On March 18, 2008, Respondent signed and the Board accepted an Agreement for Probation for three (3) years.
  - d. On September 30, 2009, Respondent's urine drug test was positive for hydromorphone.

- 1 3. I admit these factual allegations constitute grounds for disciplinary action pursuant to  
2 NRS 632.320 (1) fraudulent application, (5) controlled substances and/or alcohol, (7)  
3 unprofessional conduct, and (14) failing to comply with Board order because the  
4 conduct violated NAC 632.890 (16) failing to properly document controlled  
5 substances, (27) customary standards of practice, and (35) failing to comply.
- 6 4. I am aware of, understand, and have been advised of the effect of this Voluntary  
7 Surrender.
- 8 5. I have read this Voluntary Surrender and I fully understand and acknowledge its facts  
9 and terms.
- 10 6. I am aware that I have certain constitutional rights, including:  
11 a. I have the right to hire an attorney to represent me in this proceeding;  
12 b. I have the right to demand a hearing on the charges against me, and I can require  
13 the Board staff to prove the allegations;  
14 c. I have the right to cross-examine the witnesses against me;  
15 d. I have the right to call witnesses to provide evidence in my own behalf;  
16 e. I have other rights accorded to me under Nevada Revised Statutes Chapters 233B,  
17 and 632. Also, I have rights accorded to me under Nevada Administrative Code  
18 Chapter 632.
- 19 7. I am aware of the foregoing rights, and I voluntarily, knowingly, and intelligently  
20 waive these rights in return for the Board accepting my voluntary surrender of my  
21 Nevada nursing license in lieu of other disciplinary action.
- 22 8. I understand this Voluntary Surrender is considered a disciplinary action and as such  
23 will become part of my permanent record.
- 24 9. I understand this Voluntary Surrender is considered public information.
- 25 10. I understand this Voluntary Surrender is considered a disciplinary action and will be  
26 reported to any national repository, which records disciplinary action taken against  
27 licensees or certificate holders, or any agency or another state, which regulates the  
28 practice of nursing.

1 11. I understand this Voluntary Surrender may be used in any subsequent hearings by the  
2 Board as evidence against me to establish a pattern of behavior and for the purpose of  
3 proving additional acts of misconduct.

4 12. This Voluntary Surrender shall not be construed as excluding or reducing any  
5 criminal or civil penalties or sanction or other remedies that may be applicable under  
6 federal, state or local laws.

7 13. I understand that this surrender is effective the day it is accepted by the Nevada State  
8 Board of Nursing, or may be effective pursuant to NRS 632.400 (2), however I agree  
9 to immediately cease and desist from practicing as a Professional Nurse, and I am  
10 returning my license/certificate with this signed Voluntary Surrender of License In  
11 Lieu of Other Disciplinary Action.

12 ///

1 I, TRACI BENNETT, by my signature affixed below, agree with the foregoing facts and  
2 representations and therefore choose to voluntarily surrender my Nevada nursing license.

3  
4  
5 Dated this 11<sup>th</sup> day of December, 2009

Traci Bennett

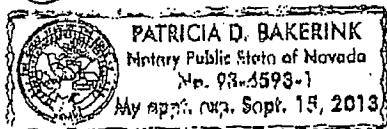
RESPONDENT  
TRACI BENNETT

6  
7  
8  
9  
10 State of Nevada

11 County of Clark

12 This instrument was acknowledged before me on December 11<sup>th</sup>, 2009, by

13 Tracy Bennett



Patricia D. Bakerink

Notary Public

20 Accepted and approved this 15 day of Jan, 2009<sup>10</sup>

21  
22 NEVADA STATE BOARD OF NURSING

23  
24  
25 By: Doreen H. Begley  
26 Doreen Begley, MS, RN  
27 Board President  
28

# ORIGINAL

## BEFORE THE NEVADA STATE BOARD OF NURSING

IN THE MATTER OF  
TRACI BENNETT  
LICENSED PROFESSIONAL NURSE  
NEVADA LICENSE NO. RN31277  
RESPONDENT

COMPLAINT AND NOTICE  
OF HEARING

CASE NO. 1045-08C

The Nevada State Board of Nursing (Board), by and through counsel, Frederick R. Olmstead, hereby notifies Respondent Traci Bennett of an administrative hearing, which is to be held pursuant to Chapters 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative Code. The purpose of the hearing is to consider the allegations stated below and to determine if the Respondent should be subject to an administrative penalty as set forth in NRS 632.320 and/or NRS 632.325 and/or NAC 632.926-.927, if the stated allegations are proven at the hearing by the evidence presented.

Respondent Traci Bennett is currently and was at the time of the events alleged below, licensed as a Licensed Professional Nurse in the State of Nevada, and is, therefore, subject to the jurisdiction of the Board and the provisions of NRS Chapter 632 and NAC Chapter 632.

### IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

#### I.

In 1994, Respondent's nursing license in California was disciplined. Yet, Respondent failed to inform the Nevada State Board of Nursing that her license had been disciplined in another state when she applied for licensure in 1998, or on any subsequent renewal applications.

On or about October 30, 2008, while Respondent was employed as a Registered Nurse, at a hospital in Reno, Nevada, Respondent failed to document controlled substances that she removed from the medication dispensing system on numerous occasions.

II.

The foregoing conduct constitutes grounds for disciplinary action pursuant to NRS 632.320(1), because Respondent is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to chapter 632 of the NRS.

The foregoing conduct constitutes grounds for disciplinary action pursuant to NRS 632.320(7), unprofessional conduct, because Respondent violated NAC 632.890(16) when Respondent failed to document properly the administration of a controlled substance.

Based on the foregoing:

PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider this Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative Code.

THE HEARING WILL TAKE PLACE on Thursday, March 19, 2009, commencing at 9:00 a.m., or as soon thereafter as the Board is able to hear the matter, at the Tamarack Junction, 13101 S. Virginia Street, Reno, Nevada 89511. This case and other matters are scheduled to be heard by the Board.

PURSUANT TO NRS 632.350, Respondent may request, in writing, that the Board furnish copies of communications, reports, and affidavits in its possession, regarding the above-referenced matter.

As the Respondent, you are specifically informed that you have the right to appear and be heard in your defense, either personally or through counsel of your choice. You have the right to respond and to present relevant evidence and argument on all issues involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant to the issues involved.

1 You have the right to request that the Board issue subpoenas to compel witnesses to  
2 testify and/or evidence to be offered on your behalf. In making this request, you may be required  
3 to demonstrate the relevancy of the witness' testimony and/or evidence.

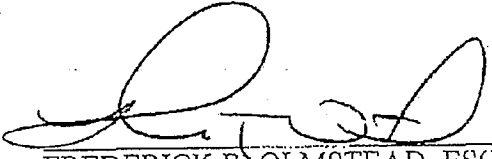
4 The purpose of the hearing is to determine if the Respondent has violated NRS  
5 632.320(1), and/or NRS 632.320(7) and/or NAC 632.890 (16) and if the allegations contained  
6 herein are substantially proven by the evidence presented to further determine what  
7 administrative penalty is to be assessed against the Respondent, if any, pursuant to NRS 632.320  
8 and/or NRS 632.325 and/or NAC 632.926-.927.

9 Should the Respondent fail to appear at the hearing, a decision may still be reached by  
10 the Board. As the Respondent, you are further advised that you may be charged with cost  
11 associated with the hearing pursuant to NRS 622.400.

12 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by  
13 stipulation, agreed settlement, consent order, or default. Any attempt to negotiate this case  
14 should be made through Frederick R. Olmstead, General Counsel, Nevada State Board of  
15 Nursing.

16 Pursuant to NRS 241.033(2)(b), the Nevada State Board of Nursing may, without further  
17 notice, take administrative action against your license and/or certificate to practice within the  
18 State of Nevada if the Board determines that such administrative action is warranted after  
19 considering your character, alleged misconduct, professional competence, or physical or mental  
20 health.

21 DATED this 10<sup>th</sup> day of February 2009.

22 By:   
23 FREDERICK R. OLMSTEAD, ESQ.  
24 General Counsel  
25 Nevada State Board of Nursing  
26 5011 Meadowwood Mall Way, Suite 300  
27 Reno, Nevada 89502-6547  
28 (775) 687-7728

# ORIGINAL

## BEFORE THE NEVADA STATE BOARD OF NURSING

IN THE MATTER OF  
TRACI BENNETT  
LICENSED PROFESSIONAL NURSE  
NEVADA LICENSE NO. RN31277  
RESPONDENT

AGREEMENT FOR  
PROBATION

CASE NO. 1045-08C

This Agreement is hereby entered into between TRACI BENNETT, (RESPONDENT) and the NEVADA STATE BOARD OF NURSING, (BOARD).

It is hereby stipulated and agreed, by and between the parties to the above-entitled matter, that the following statements are true:

1. Respondent is aware of, understands, and has been advised of the effect of this Agreement, which Respondent herein has carefully read and fully acknowledges. No coercion has been exerted on the Respondent. Respondent acknowledges her right to an attorney at her own expense. The Respondent has had the benefit at all times of obtaining advice from competent counsel of her choice.

2. Respondent understands the nature of the allegations under investigation by the Nevada State Board of Nursing. Respondent freely admits that her nursing license in California was reprimanded in 1994 for an incident involving the use of Vicoden without a current prescription prior to reporting to work, and she failed to inform the Nevada State Board of Nursing that her license had been disciplined in another state when she applied for licensure in 1998, or on any subsequent renewal applications. Respondent acknowledges that on or about October 30, 2008, while she was employed as a Registered Nurse, traveling nurse, at a hospital in Reno, Nevada, she failed to document controlled substances that she removed from the medication dispensing system on numerous occasions. Respondent acknowledges this conduct constitutes a violation of the Nevada Revised Statutes 632.320 (1) fraudulent application, and (7)



unprofessional conduct, and Nevada Administrative Code 632.890 (16) failing to properly document controlled substances, and (27) customary standards. Respondent further acknowledges that such acts and admissions subject her to disciplinary action by the Board.

3. Respondent is aware of the Respondent's rights, including the right to a hearing on any charges and allegations, the right to an attorney at her own expense, the right to examine witnesses who would testify against her, the right to present evidence in her favor and call witnesses on her behalf, or to testify herself, the right to contest the charges and allegations, the right to reconsideration, appeal or any other type of formal judicial review of this matter, and any other rights which may be accorded to her pursuant to the Nevada Administrative Procedures Act and the provisions of Chapter 632 of the Nevada Revised Statutes and the Nevada Administrative Code. Respondent agrees to waive the foregoing rights upon acceptance of this Agreement by the Board.

4. Respondent understands that the Board is free to accept or reject this Agreement, and if rejected by the Board, a disciplinary proceeding may be commenced.

5. Should the Agreement be rejected by the Board, it is agreed that presentation to and consideration by the Board of such proposed Agreement, shall not disqualify the Board, or any of its members, from further participation, consideration, adjudication or resolution of these proceedings, and that no Board member shall be disqualified or challenged for bias therefore.

6. If, after notice and hearing, Respondent is found to have violated the terms or conditions of probation, the Board may revoke probation for Respondent and carry out the disciplinary order of revocation set forth herein. The Board shall have continuing jurisdiction over any petition to revoke probation filed against Respondent until such matter is final.

7. This Agreement shall only become effective when both parties have duly executed it and unless so executed, this Agreement will not be construed as an admission.

8. This Agreement shall not be construed as excluding or reducing any criminal or civil penalties or sanction or other remedies that may be applicable under federal, state or local laws.

1           9.     This Agreement shall cover any nursing license or certificate issued by the State  
2 of Nevada.

3           10.    Based upon the foregoing stipulations and recitals, it is hereby agreed that the  
4 Board may issue the following decision and order:

5  
6                               **DECISION AND ORDER**

7           IT IS HEREBY ORDERED that Nevada Licensed Professional Nurse, license number  
8 RN31277, issued in the name of TRACI BENNETT, is placed on probation (RESTRICTED  
9 LICENSURE) for a minimum of three (3) years with the following terms and conditions:

10           1.     **LICENSE MARKED "RESTRICTED" AND RETURN OF UNMARKED**

11               **LICENSE**

12       Respondent shall have her license marked "Restricted" through out the probationary period.  
13       Upon receipt of the marked license, Respondent shall immediately return her unmarked license  
14       to the Board.

15           2.     **WRITTEN NOTIFICATION OF CHANGE OF ADDRESS**

16       Respondent shall notify the Board, in writing of, and prior to, any change of address.

17           3.     **ABSTINENCE FROM ALCOHOL, MOOD ALTERING DRUGS,**

18               **CONTROLLED SUBSTANCES**

19       Respondent shall abstain from the use of alcohol and all mood-altering drugs and controlled  
20       substances except when absolutely required for documented medical treatment. All other  
21       methods of alternative treatment must be tried, and failure must be documented prior to use of  
22       any mood-altering drugs. This treatment must be prescribed by a person authorized by law to  
23       prescribe such substances, and who is knowledgeable about the disease of addiction and the  
24       Respondent's history. This treatment must be reported to the Board, in writing, within seven (7)  
25       days, accompanied by the above-described documentation. The Board may require additional  
26       treatment until Respondent documents sobriety after periods of prescribed drug use.

27       /

28       /

1           4.     SUBMISSION TO URINE, BLOOD, OR OTHER TESTS FOR DRUGS OF  
2                 ABUSE

3 Respondent shall submit to random urine, blood or other tests for drugs of abuse and/or alcohol  
4 when requested by her counselor, supervisor, or representative of the Board; however, these tests  
5 shall occur no less than twelve (12) times per year. Respondent shall register with the Board  
6 approved urine drug screening program and, if necessary, cause her physician to write a standing  
7 order for testing for alcohol and drugs of abuse. These tests shall be treated as forensic  
8 specimens and submitted to a Board-approved laboratory. Respondent shall cause the results to  
9 be given to the requesting party and the Board. Any confirmed positive finding shall be reported  
10 immediately to the Board. Changes in frequency of tests may be approved by the Compliance  
11 Coordinator and/or the Disability Advisory Committee.

12           5.     ATTENDANCE AT A BOARD MEETING MANDATORY

13 Respondent shall, during the first year of this Agreement, attend a minimum of one meeting of  
14 the Nevada State Board of Nursing during which disciplinary hearings are held. This shall not  
15 include any meeting at which her own case is considered.

16           6.     TIME EARNED OFF PROBATION

17 Respondent shall only receive credit toward service of her probation period while employed in a  
18 capacity for which nursing licensure/certification is required and subject to adequate supervision  
19 approved by the Board.

20           7.     WRITTEN EMPLOYMENT SITE APPROVAL BY BOARD STAFF

21 The Board shall approve all employment sites (changes in specialty and/or work site or unit,  
22 including changes within the same facility or under the same employer) requiring a nursing  
23 license/certificate prior to commencement of work. Approval is given through the Executive  
24 Director, or the Compliance Coordinator. Registration with the Board approved urine drug-  
25 screening program is required prior to commencement of employment.

26 /

27 /

28 /

1           8.     WRITTEN NOTIFICATION OF TERMINATION OF EMPLOYMENT TO  
2           BOARD

3     Respondent is required to notify the Board in writing within seventy-two (72) hours after  
4     commencement or termination of any nursing employment. Any notification regarding  
5     termination shall contain a full explanation of the circumstances surrounding it.

6           9.     DIRECTION BY A REGISTERED NURSE

7     Respondent shall be employed in a setting in which direction is provided by a Registered Nurse.  
8     Direction shall mean: the intermittent observation, guidance and evaluation of the nursing  
9     practice by a licensed professional nurse who may only occasionally be physically present; the  
10    degree of direction needed shall be determined by an evaluation of the patient care situation, and  
11    the demonstrated proficiency of the Respondent.

12          10.    RESTRICTION FROM FUNCTIONING IN A SUPERVISORY ROLE

13    Respondent may not function as a supervisor, including as a head nurse or charge nurse for a  
14    minimum of one (1) year and unless approved by the Compliance Coordinator and/or the  
15    Disability Advisory Committee.

16          11.    ACCESS TO CONTROLLED SUBSTANCES

17    Respondent shall have no access to controlled substances during her employment as a licensed  
18    nurse for a minimum of one (1) year and until specifically authorized by the Compliance  
19    Coordinator and/or the Disability Advisory Committee.

20          12.    LIMITATION ON HOURS WORKED

21    Respondent shall not work more than ninety (90) hours in nursing in a two (2) week period.  
22    Changes in hours may be approved by the Compliance Coordinator and/or the Disability  
23    Advisory Committee.

24          13.    SUBMISSION OF AGREEMENT TO IMMEDIATE SUPERVISOR

25    Respondent shall provide a complete copy of this Agreement to her employer and immediate  
26    supervisor prior to commencement of work.

27    /

28    /

1           14.    INITIAL SUPERVISOR REPORTS (DUE PRIOR TO BEGINNING  
2                   EMPLOYMENT)

3   Respondent shall cause her nursing supervisor (the person who is directly responsible for  
4   everyday nursing functions) to submit a written report prior to the commencement of  
5   employment. A form is provided for this report. A report shall be submitted by each additional  
6   or subsequent supervisor during the entire probationary period and shall be due prior to the  
7   commencement of employment.

8           15.    SUPERVISOR REPORTS

9   Respondent shall cause her nursing supervisor (the person who is directly responsible for  
10   everyday nursing functions) to submit monthly written reports to the Board addressing work  
11   attendance, reliability, ability to carry out assigned nursing functions, ability to handle stress  
12   (change in behavior patterns), and any other information the employer or supervisor feels would  
13   assist the Board in its ultimate review of Respondent's case. The supervisor shall include  
14   notification of any infractions of laws that come to her attention, and any other relevant  
15   information.

16          16.    SELF REPORTS

17   Respondent shall submit monthly written reports, whether working or not, on her progress, her  
18   ability to handle stress, her mental and physical health, her current job duties and responsibilities,  
19   her ability to practice nursing safely, and any changes in her plan for meeting the stipulations of  
20   this Agreement. It is the Respondent's responsibility to resolve any confusion with the  
21   Executive Director or Compliance Coordinator.

22          17.    REPORT DUE DATES

23   Respondent shall cause all reports to be in writing and submitted directly to the Board on a  
24   monthly basis **whether working or not** unless otherwise specified. These reports shall begin  
25   one (1) month subsequent to the execution of this Agreement and are due no later than the last  
26   day of the month. It is the obligation of the Respondent to ensure that all written reports are on  
27   time. The failure to submit the reports on time may be considered a violation of this Agreement.

1 Changes in the frequency of reporting may be approved by the Executive Director or the  
2 Compliance Coordinator and/or the Disability Advisory Committee.

3 18. ATTENDANCE AT ORIENTATION MANDATORY

4 Respondent shall attend an orientation meeting to facilitate understanding and accountability of  
5 the terms and conditions of this Agreement/Order as scheduled by the Compliance Coordinator.  
6 Failure to attend this orientation will be considered a violation of this Agreement/Order.

7 19. REQUIREMENT TO MEET WITH THE BOARD OR STAFF UPON  
8 REQUEST

9 Respondent shall meet with the Board or its representatives upon request and shall cooperate  
10 with representatives of the Board in their supervision and investigation of Respondent's  
11 compliance with the terms and conditions of this Agreement.

12 20. FINANCIAL RESPONSIBILITIES AND MONITORING FEES (DUE  
13 MONTHLY)

14 Respondent shall be financially responsible for all requirements of this Agreement, including any  
15 financial assessments by the Board for the cost of monitoring her compliance with this  
16 Agreement. Respondent may be assessed a late fee for monitoring fees that are received more  
17 than ten (10) calendar days after the due date.

18 21. REQUIRED NOTIFICATION OF OTHER STATES OF LICENSURE  
19 AND/OR CERTIFICATION

20 Respondent shall, upon execution of this Agreement, provide a copy of this Agreement to any  
21 other state Board of Nursing in whose jurisdiction she has been issued a nursing  
22 license/certificate (current or not). Respondent shall also provide a copy of this Agreement to  
23 any other regulatory agency in whose jurisdiction she has applied or will apply for a  
24 license/certificate.

25 22. VIOLATIONS TO BE REPORTED TO BOARD WITHIN SEVENTY-TWO  
26 (72) HOURS

27 Respondent shall practice in accordance with the Nurse Practice Act and Board established  
28 Standards of Practice. Respondent shall obey all federal, state and local laws, employer policy or

1 contracts, and orders of the Board, pertaining to the practice of nursing in this state. Any and all  
2 violations shall be reported by the Respondent to the Board in writing within seventy-two (72)  
3 hours. It is the Respondent's responsibility to resolve with the Executive Director, or the  
4 Compliance Coordinator any confusion regarding what laws pertain to nursing.

5 23. CONSEQUENCES OF FURTHER VIOLATIONS INCLUDING  
6 VIOLATIONS OF THIS AGREEMENT; AGREEMENT TO SURRENDER  
7 LICENSE AND/OR CERTIFICATE

8 Respondent acknowledges that if she should violate one or more of the terms of restricted  
9 licensure/certification, the Board may revoke, or invoke other appropriate discipline against her  
10 license/certificate to practice nursing, subject only to the requirement that the Board shall, prior  
11 to such disciplinary action, conduct a hearing in accordance with the Nevada Nurse Practice Act  
12 for the limited purpose of establishing that there has, in fact, been a violation of the stipulations  
13 of this Agreement. In the event that a violation of the stipulations is alleged, Respondent agrees  
14 to surrender her license/certificate to the Executive Director, or the Compliance Coordinator, if  
15 they so request, and refrain from practicing nursing until entry of a final order of the Board or a  
16 court of competent jurisdiction, whichever last occurs, regarding a potential violation.

17 24. REPORTING TO NATIONAL DISCIPLINARY DATA BANKS

18 This Agreement will become part of the Respondent's permanent record, will become public  
19 information, will be published with the list of disciplinary actions the Board has taken, and may  
20 be reported to any national repository which records disciplinary action taken against licensees  
21 or holders of certificates; or any agency or another state which regulates the practice of nursing.  
22 The Agreement may be used in any subsequent hearings by the Board.

23 25. TERMINATION OF PROBATION

24 Upon completion of the stipulations of this Agreement, Respondent shall apply for termination  
25 of probation and issuance of unrestricted licensure/certification on forms supplied by the Board.  
26 Respondent shall meet with the Compliance Coordinator and/or the Disability Advisory  
27 Committee for evaluation of compliance and recommendation for termination of probation. The  
28 probation shall continue until terminated by the Board.

1 NEVADA STATE BOARD OF NURSING retains jurisdiction in this case until all  
2 conditions have been met to the satisfaction of the Board.

3  
4 Dated this 17<sup>th</sup> day of March, 2009

Traci Bennett  
RESPONDENT  
TRACI BENNETT

6  
7  
8 Dated this 17<sup>th</sup> day of March, 2009

Tracy Singh, Esq.  
Tracy Singh, Esq.  
COUNSEL OF RECORD

9  
10  
11  
12  
13 Accepted and approved this 25 day of March, 2009

14  
15 NEVADA STATE BOARD OF NURSING

16  
17  
18 By:

Doreen Begley  
Doreen Begley, MS, RN  
Board President



BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

TRACI RENEE BENNETT  
15529 Bellflower Blvd., #1  
Bellflower, CA 90706  
Registered Nurse License  
No. K 342165

Respondent.

NO. 93-115

L-60164

DECISION


The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective January 24, 1994.

IT IS SO ORDERED December 24, 1993.

BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
HARRIETT W. CLARK, Esq.  
President

mh

BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	93-115
against:	)	
TRACI RENEE BENNETT	)	L-60164
15529 Bellflower Blvd., #1	)	
Bellflower, CA - 90706	)	
Lic. Nr. K 342165,	)	
Respondent.	)	

PROPOSED DECISION

This matter came on regularly for hearing before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, State of California, at Los Angeles, California on May 5, and again on August 18,, 1993.

Complainant was represented by Steven R. Goby, Deputy Attorney General. Respondent appeared personally and represented herself on May 5; she also appeared on August 18, and was then represented by Joseph D. Castagno, attorney at law.

Evidence, both oral and documentary, was received and the matter was argued and submitted for decision. The Administrative Law Judge now finds the following facts:

FINDINGS OF FACT

I

Catherine M. Puri, R.N., M.Ed., filed the accusation herein solely in her official capacity as Executive Officer of the above entitled Board.

## II

On April 30, 1982, the Board issued respondent the above described license which is in full force and effect and renewed through December 31, 1993.

## III

"Vicodin," a combination drug containing five milligrams of hydrocodone bitartrate with acetaminophen, is a Schedule III controlled substance as designated by Health and Safety Code Section 11056(e)(4).

## IV

Mrs. Bennett's claimed use of Vicodin is the source of the dispute now before the Board. On July 10, 1991, respondent was employed by Professional Staffing Services, a nursing registry. Early in the afternoon of that day, Mrs. Mitchell had been struck in the eye by a ball during a softball game. The eye was substantially bruised and swollen, and almost shut. This condition caused Mrs. Bennett problems with a nursing assignment she had received at Friendly Hills Regional Medical Center.

## V

Mrs. Bennett had confirmed a scheduled assignment to the Labor and Delivery Unit of Friendly Hills. She called her employer, stated her problem, and said she had taken a Vicodin tablet to relieve the eye pain she was experiencing, and believed herself to be impaired to work. She was told by an employee of Professional Staffing that she would have to report to Friendly Hills or be fired.

## VI

Mrs. Bennett reported for work as directed. She was unable to complete her shift because she became sleepy and, at her request, was allowed to go to bed where she slept for some hours. On being awakened, her pupils were seen to be constricted, her gait unsteady, and her speech slurred. She left the hospital shortly before the end of the shift.

## VII

Mrs. Bennett stated to several persons that she had taken a Vicodin tablet. At hearing, she presented evidence, as well as her own testimony, that she had taken no drugs. Her own testimony is inconsistent. On balance, it is found that she did take a Vicodin tablet to relieve her pain, and that this Vicodin tablet was part of a prescription previously furnished her sister.

VIII

Mrs. Bennett needed the work she had signed up for; she needed the money she earned. She is very proud, and has a blameless, thirteen year old record in nursing. She is somewhat of a perfectionist, regards herself as a superior nurse and felt obligated to work through the pain. In sum, she had stated to her employer that she was available for work, she knew she had been scheduled for work, she took the Vicodin for her pain and went to work anyway.

IX

There is ample evidence of record that Mrs. Bennett did not, and does not have a drug problem. She is brought before the Board because of a series of bad judgment calls on her part. In hindsight, she should have asked to speak to the head of registry when threatened with firing, and she should have told the hospital staff of her impairment.

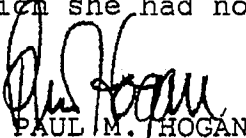
DETERMINATION OF ISSUES

By reason of the foregoing facts, respondent has subjected her license to discipline pursuant to Section 2761(a) and Sections 2762(a) and (b) of the Business and Professions Code. However, in considering all of these facts in the light of the whole record and all inferences reasonably to be drawn therefrom, it is apparent that respondent's conduct, although certainly not praiseworthy, is entirely aberrational. In light of this conclusion, together with the relatively minimal nature of the misconduct and the absence of consequential harm, sufficient discipline will be imposed upon issuance of an order of public reproof.

ORDER

TRACI RENEE BENNETT is hereby publicly reproofed for her unprofessional conduct in using Vicodin in a manner which impaired her ability to practice with safety to the public the practice authorized by her license, and for possessing and using a controlled substance for which she had no prescription.

September 16, 1993



PAUL M. HOGAN

Administrative Law Judge  
Office of Administrative Hearings

1 DANIEL E. LUNGREN, Attorney General  
2 of the State of California  
3 STEVEN R. GOBY  
4 Deputy Attorney General  
5 300 South Spring Street, Suite 500  
6 Los Angeles, California 90013  
7 Telephone: (213) 897-2542

8 Attorneys for Complainant



9  
10 BEFORE THE  
11 BOARD OF REGISTERED NURSING  
12 DEPARTMENT OF CONSUMER AFFAIRS  
13 STATE OF CALIFORNIA

14 In the Matter of the Accusation  
15 Against:

NO. 93-115

16 TRACI RENEE BENNETT  
17 15529 Bellflower Boulevard, Apt. 1  
18 Bellflower, California 90706  
19 License No. K 342165,

ACCUSATION

20 Respondent.

21 Catherine M. Puri, R.N., M.Ed., for causes for  
22 discipline, alleges:

23  
24 1. Complainant Catherine M. Puri, R.N., M.Ed.,  
25 makes and files this accusation in her official capacity as  
26 Executive Officer, Board of Registered Nursing, Department of  
27 Consumer Affairs, State of California.

28 2. On April 30, 1982, the Board of Registered  
Nursing issued Registered Nurse License No. K 342165 to  
Traci Renee Bennett. The license was in full force and effect  
at all times pertinent herein and has been renewed through  
December 31, 1993.

1                   3. Under Business and Professions Code section  
2 2750, the Board of Registered Nursing may discipline any  
3 licensee, including a licensee holding a temporary or an  
4 inactive license, for any reason provided in Article 3 of the  
5 Nursing Practice Act.

6  
7                   4. DRUGS

8                   "Vicodin," a combination drug containing 5 mg of  
9 hydrocodone bitartrate with acetaminophen, is a Schedule III  
10 controlled substance as designated by Health and Safety Code  
11 section 11056(e)(4).  
12

13                   5. Respondent has subjected her license to  
14 discipline under Business and Professions Code section 2761(a)  
15 on the grounds of unprofessional conduct as defined in section  
16 2762(b) of that code in that on July 10, 1991, while employed  
17 by Professional Staffing Services, a nursing registry, at  
18 Friendly Hills Regional Medical Center Labor Delivery Unit in  
19 La Habra, California, she used Vicodin in a manner dangerous  
20 or injurious to herself, any other person, or the public or to  
21 the extent that such use impaired her ability to practice with  
22 safety to the public the practice authorized by her license.  
23

24                   6. Respondent has subjected her license to  
25 discipline under Business and Professions Code section 2761(a)  
26 on the grounds of unprofessional conduct as defined in section  
27 2762(a) of that code in that on July 10, 1991, while employed  
28 by Professional Staffing Services, a nursing registry, at

1 Friendly Hills Regional Medical Center Labor Delivery Unit in  
2 La Habra, California, she committed the following acts:

3 a. She possessed Vicodin in violation of Business  
4 and Professions Code section 4230 in that she had no valid  
5 prescription therefor.

6 b. She self-administered Vicodin without lawful  
7 direction from a licensed physician and surgeon, dentist or  
8 podiatrist.

9  
10 WHEREFORE, complainant prays that a hearing be held  
11 and that the Board of Registered Nursing make its order:

12 1. Revoking or suspending Registered Nurse License  
13 Number K 342165, issued to Traci Renee Bennett.

14 2. Taking such other and further action as may be  
15 deemed proper and appropriate.

16

17 DATED: Jan 4, 1993

18

19

20

21

22

23

24

25

26

27

28

03579110-  
LA92AD1483  
(lk 11/25/92)

Catherine M. Puri  
CATHERINE M. PURI, R.N., Ph.D.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant